



STATE OF WASHINGTON

DEPARTMENT OF ECOLOGY

15 West Yakima Avenue, Suite 200 • Yakima, Washington 98902-3452 • (509) 575-2490

June 4, 2001

Charles R Rattray
3451 Bethany Rd
Sunnyside WA 98944

Re: Emergency Drought Authorization G4-32978

In accordance with the provisions of RCW 43.83B.405, on March 14, 2001, it was ordered and determined by the Director of the Department of Ecology that the State of Washington is under drought conditions. In accordance with the provisions of WAC 176-166-060, the Department of Ecology is under the terms of this Order, issuing an EMERGENCY DROUGHT PERMIT. The intent of this authorization is to alleviate hardships and reduce the burdens on water users arising from the drought conditions.

THIS AUTHORIZATION SHALL IN NO MANNER BE CONSTRUED TO GUARANTEE OR IMPLY THAT A FINAL (REGULAR) PERMIT WILL ISSUE FOR THE FUTURE USE OF THE WATER USE HEREIN AUTHORIZED.

The Department of Ecology has agreed to fund the cost of the mitigation or offsets for the impacts associated with the drought emergency authorizations. Ecology is attempting to meet the essential irrigation needs of farmers. Essential needs have been defined as 75% to 80% of a usual irrigation water duty delivered by the irrigation districts.

Earlier this year, an emergency drought authorization was issued under G4-32978 authorizing supplemental water for orchard crops. **This drought authorization supersedes the earlier authorization.**

This authorization is conditioned by the following provisions and limitations:

This authorization is for an existing well located within the SW¼NW¼ of Section 23, T. 10 N., R. 23 E.W.M. ← Wrong

The total quantity of water to be withdrawn under this authorization is limited to 500 gpm, 121.25 acre-feet per year. The instantaneous quantity is based on the amount requested in the application.

The annual quantity authorized is based on the crop type. The applicant has described the crop type on the land as 35 acres of juice grapes, 16 acres of apples, and 39 acres of asparagus. Based on a supplemental crop duty of 2.0 acre-feet for orchard, 1.25 acre-feet for juice grapes, and 1.3 acre-feet for asparagus, a total of 121.25 acre-feet per year is authorized under this emergency authorization.



The place of use is described as follows:

Parcel A

In Section 23, Township 10 North, Range 23, E.W.M.; that part of the North half of included in the following described tract:

Beginning on the West line of said Section, 120 feet North of the Northwest corner of the Southwest quarter of the Northwest quarter; thence South $53^{\circ} 30'$ East 151 feet; thence South $82^{\circ} 01'$ East 257 feet; thence South $61^{\circ} 29'$ East 200 feet; thence North $76^{\circ} 18'$ East 197 feet; thence South $47^{\circ} 15'$ East 96 feet; thence North $57^{\circ} 31'$ East 232 feet; thence North $89^{\circ} 52'$ East 332 feet to a point on the East line of said Southwest quarter of the Northwest quarter which is 20 feet South of the Northeast corner thereof; thence South $77^{\circ} 10'$ East 175 feet; thence South $24^{\circ} 39'$ West 133 feet; thence South $24^{\circ} 39'$ West 133 feet; thence South $58^{\circ} 00'$ East 293 feet; thence South 90 feet; thence South $26^{\circ} 50'$ East 153 feet; thence South $71^{\circ} 01'$ East 140 feet; thence North $62^{\circ} 00'$ East 141 feet; thence South $44^{\circ} 53'$ East 27 feet, more or less to the Westerly right of way line of the U.S.B.R. Lateral No. 63 . 6B; thence Northeasterly along said Westerly right of way line to the Southerly right of way line of the Roza Main Canal; thence Northwesterly along said right of way line to the North line of said section; thence West along said North line of said section to its Northwest corner; thence South along the West line of said section to the point of beginning; EXCEPT beginning at the intersection of the East boundary line of Harrison Road, which runs along the West line of said section, and the South boundary line of Van Belle Road which runs along the North line of said section; thence East along said South line of Van Belle Road 320 feet; thence Southwesterly to a point on said East line of Harrison Road, 263 feet South of the point of beginning; thence North 263 feet to the point of beginning; AND EXCEPT right of way for roads on the North and West lines of said section.

Parcel B

Beginning at the Northwest corner of Section 23, Township 10 North, Range 23, E.W.M.; thence Easterly along the Northerly boundary of said Section 23 to the Easterly boundary of Harrison Road; thence Southerly along the Easterly boundary of Harrison Road to the Southeast corner of the intersection of Harrison Road and Van Belle Road, which Southeast corner is the true point of beginning of the tract herein described; thence Easterly along the Southerly boundary of Van Belle Road, 320.0 feet; thence Southwesterly to a point in the Easterly boundary of Harrison Road 263.0 feet South of the true point of beginning; thence Northerly, along the Easterly boundary of Harrison Road, 263.0 feet to the true point of beginning.

Assessor's Parcel Nos.: 231023-21001 and 22001 Levy Code 463

SUBJECT TO easements, rights of way, reservations and restrictive covenants appearing in the chain of title or otherwise apparent, laws, contracts and proceedings relative to water, water rights and drainage, and to taxes, assessments and charges falling due against the premises subsequent to the date hereof, and further subject to pending litigation for the determination of rights to use surface waters of the Yakima River Drainage Basin.

A suitable flow meter approved by the Department of Ecology shall be installed and maintained in accordance with WAC 508-64-020 through WAC 508-64-040. (Installation, operation and maintenance requirements attached hereto.)

Whenever water is being diverted, bi-weekly (every two weeks) readings of the flow meter shall be recorded and maintained by the permittee. These readings shall be documented by time, date, withdrawal rate, and the person conducting the measurements. Copies of these records shall be submitted to the Department of Ecology at the end of the 2001 irrigation season.

Department of Ecology personnel, upon presentation of proper credentials, shall have access at reasonable times, to the records of water use that are kept to meet the above conditions, and to inspect at reasonable times any measuring device used to meet the above conditions.

Withdrawal of water under this authorization may be limited or otherwise regulated in favor of senior rights.

This drought emergency authorization expires on October 31, 2001.

This Order may be appealed pursuant to RCW Chapter 43.21B. The person to whom this Order is issued must file an appeal with the Pollution Control Hearings Board within thirty (30) days of receipt of this Order. Send the appeal to: Pollution Control Hearings Board, P.O. Box 40903, Olympia, Washington 98504-0903. At the same time, a copy of the appeal must be sent to: Department of Ecology, Fiscal Office, P.O. Box 47615, Olympia, Washington 98504-7615. All others receiving notice of this Order must file an appeal with the Pollution Control Hearings Board within thirty (30) days of the date the Order was mailed in the same manner described above.

Sincerely,



Robert F Barwin
Section Manager
Water Resources Program

PC:gg
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cc: Yakama Nation